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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRISTOPHER KIRCHNER,

 Plaintiff,

 v.

BITER, *et al.*,

 Defendants.

Case No. 1:18-cv-00516-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(ECF No. 20)

Plaintiff Kristopher Kirchner (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 26, 2019, the assigned Magistrate Judge screened Plaintiff’s complaint and found that Plaintiff stated a cognizable Fourteenth Amendment due process claim against Defendants Henderson, Harden, Diaz, and Perez arising from Plaintiff’s disciplinary proceedings, but failed to state any other cognizable claim for relief. The Court ordered Plaintiff to either file a first amended complaint or notify the Court of his willingness to proceed only on the cognizable claim. (ECF No. 16.) On June 20, 2019, Plaintiff filed a first amended complaint. (ECF No. 19.)

Accordingly, the assigned Magistrate Judge screened Plaintiff’s first amended complaint and found that Plaintiff again stated a cognizable Fourteenth Amendment due process claim against Defendants Henderson, Harden, Diaz, and Perez arising from Plaintiff’s disciplinary

1 proceedings, but failed to state any other cognizable claims for relief against any other
2 defendants. The Magistrate Judge issued findings and recommendations that this action proceed
3 on Plaintiff's first amended complaint against Defendants Henderson, Harden, Diaz, and Perez
4 arising from Plaintiff's disciplinary proceedings, and all other claims and defendants be dismissed
5 from this action based on Plaintiff's failure to state claims upon which relief may be granted.
6 (ECF No. 20.) The findings and recommendations were served on Plaintiff and contained notice
7 that any objections were to be filed within fourteen (14) days after service. (Id. at 17.) Plaintiff
8 timely filed objections on February 14, 2020. (ECF No. 21.)

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
10 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's
11 objections, the Court finds the findings and recommendations to be supported by the record and
12 by proper analysis.

13 Accordingly, IT IS HEREBY ORDERED as follows:

- 14 1. The findings and recommendations issued on January 27, 2020 (ECF. No. 20) are
15 adopted in full;
- 16 2. This action shall proceed on Plaintiff's first amended complaint, filed June 20, 2019
17 (ECF No. 19) for Fourteenth Amendment due process claims against Defendants
18 Henderson, Harden, Diaz, and Perez arising from Plaintiff's disciplinary proceedings;
- 19 3. All other claims and defendants are dismissed from this action based on Plaintiff's
20 failure to state claims upon which relief may be granted; and
- 21 4. This action is referred back to the Magistrate Judge for proceedings consistent with
22 this order.

23 IT IS SO ORDERED.

24 Dated: December 15, 2020

25 
26 SENIOR DISTRICT JUDGE
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